

Notice of Allowability

Application No.

09/385,414

Examiner

C. Michelle Colon

Applicant(s)

POAGE ET AL.

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final Amendment filed April 28, 2005.
2. ☒ The allowed claim(s) is/are 3-9,13-17,19,20,47 and 48.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 5.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

ALLOWANCE

1. The following are Reasons for Allowance in response to the communication received on April 28, 2005. Claims 1, 2, 10-12, 18 and 21-46 have been cancelled. Claims 3-5, 8, 13, 14, 16 and 19 have been amended. Claims 3-9, 13-17, 19, 20, 47 and 48 are now pending in this application.

Reasons for Allowance

2. Claims 3-9, 13-17, 19, 20, 47 and 48 are allowed.

3. The following is an examiner's statement of reasons for allowance: None of the prior art of record, taken individually or in any combination, teach, *inter alia*, inputting or receiving offer parameters for a new initiative; determining a likelihood that the new initiative will be effective using stored statistics associated with past initiatives, where a result is provided indicating the effectiveness of the new initiative; storing the new initiative in a database based on the result; extracting new and updated initiatives from a decision support subsystem database; transferring the new and updated initiatives to a runtime offer database; *extracting key values from a sales request received from a marketing host; creating key structures using the key values; compressing the key structures into a series of key-paths; and searching the runtime offer database using the key-paths to determine an initiative that is most relevant to the sales request.*

The prior art most closely resembling Applicant's claimed invention are as follows: Cannon (U.S. 6,286,005), Day et al. (U.S. 5,857,175) and Simons et al. (U.S. 6,230,143).

Cannon teaches a method and apparatus for optimizing advertising. The method and apparatus include a decision support system that analyzes data using a database mining engine to evaluate current and proposed advertising strategies. However, Cannon does not teach or suggest *extracting key values from a sales request received from a marketing host; creating key structures using the key values; compressing the key structures into a series of key-paths; and searching the runtime offer database using the key-paths to determine an initiative that is most relevant to the sales request.*

Day et al. teaches a system and method for presenting targeted offers to customers. The system and method use a database to store customer information and a database to store targeted offers. Targeted offers are presented to customers based on targeting parameters. However, Day et al. does not teach or suggest *extracting key values from a sales request received from a marketing host; creating key structures using the key values; compressing the key structures into a series of key-paths; and searching the runtime offer database using the key-paths to determine an initiative that is most relevant to the sales request.*

Simons et al. teaches a system and method for analyzing coupon redemption data. The system and method use a database for storing consumer information. The consumer information is extracted from the database to generate coupons for the consumers. However, Simons et al. does not teach or suggest *extracting key values*

from a sales request received from a marketing host; creating key structures using the key values; compressing the key structures into a series of key-paths; and searching the runtime offer database using the key-paths to determine an initiative that is most relevant to the sales request.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Drawings

4. The application having been allowed, formal drawings are required in response to this Office Action, including correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948 from Paper No. 5. In order to avoid abandonment of this application, correction is required in reply to the Office action.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Verba et al. (U.S. 6,236,977) discusses a computer implemented marketing system;
- Saarevirta, Gary. "Data Mining for Direct Mail: A Lesson in Predictive Modeling," *Intelligence Enterprise*, March 9, 1999 [retrieved from Dialog] discusses the use of data mining for marketing;
- Frawley et al. "Increasing customer value by integrating data mining and campaign management software," *Direct Marketing*, Feb 1999 [retrieved from Dialog] discusses database marketing; and
- Lowenstein, Joanna. "The new database dynamic," *Folio: the Magazine for Magazine Management*, Sept 15, 1998 [retrieved from Dialog] discusses the use of databases in marketing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae (formerly, C. Michelle Colon) whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

703-872-9306 [Official Communications; including After Final
communications labeled "Box AF"]

571-273-6727 [For status inquiries, draft communication, labeled
"Proposed" or "Draft"]

Hand delivered responses should be brought to:

United States Patent and Trademark Office

Customer Service Window

Randolph Building

401 Dulany Street

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Alexandria, VA 22314



cmc

May 17, 2005



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